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Zhu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
 Masayuki Chatani) Atty Docket No: SONYP006
)
 Application No: 09/771,751) Group Art Unit: 2100
)
 Filed: January 29, 2001) Examiner: Pinchus M. Laufer
)
 For: CONTENT DISPLAY METHOD) Date: July 18, 2005
 DURING DATA DOWNLOAD)
)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on July 18, 2005.

Signed: Kay Harlow
 Kay Harlow

**REQUEST FOR RECONSIDERATION OF
 PETITION FOR REVIVAL FROM
 ABANDONED STATUS UNDER 37 CFR 1.181
 -USPTO ERROR-**

Commissioner for Patents
 Alexandria, VA 22313-1450

Sir:

Applicant petitions for reconsideration, in response to the Decision on Petition dated June 24, 2005. The petition was DISMISSED. It is submitted that the dismissal of this petition was in error for the following reasons, and reconsideration in light of the additional information is respectfully requested.

As noted in the original petition dated October 18, 2004, the undersigned attorney did not become aware of the abandoned status of the case until October 15, 2004, when the assignee contacted the undersigned. The undersigned was informed by the assignee that the prior attorney of record, Mr. Geoffrey Staniford of Dergosits & Noah LLP had been contacted by the Examiner on October 14, 2005. Mr. Staniford told the assignee's representative (Ms. Yaeko Miura) that he had received a call from the Examiner Mr. Elhady, noting the 6 month deadline. Mr. Staniford told the Examiner that he was no longer responsible for the case and Mr. Staniford also informed Ms. Miura by email (see Attachment A).

On October 15, 2004 (Friday), the undersigned was contacted by another representative of the assignee (Ms. Liz Santiago), informing the undersigned of Mr. Staniford's communication with the Examiner. (see Attachment A).

On October 18, 2004, just being informed of the situation, the undersigned called the Examiner to inquire about the action. Again, the undersigned just became aware of the existence of the action on October 15, 2004, when the assignee's representative contacted the undersigned on October 15, 2004. Because the undersigned never had a copy of the office action, as the office action was addressed and sent to a completely unrelated firm (Staas & Halsey, LLP), the undersigned asked the Examiner to fax the front page of the Office Action. A copy of the Examiner's fax coversheet dated October 18, 2004 is enclosed (Attachment B).

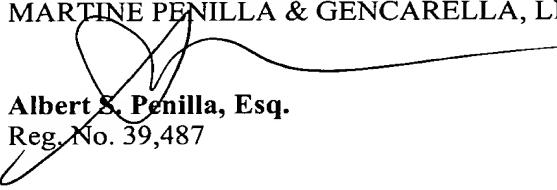
On October 18, 2005 (Monday), which is the same date the Examiner provided a copy of the front page of the Office Action, the undersigned filed the petition under 37 CFR 1.181 to withdraw the holding of abandonment. Consequently, the undersigned timely filed the petition within one business day of becoming aware of the existence of the Office Action.

In view of the foregoing, the undersigned respectfully submits that the filing of the petition on October 18, 2004 was timely and without delay. Thus, having provided proof of the timely filing, the undersigned respectfully requests the Special Program Examiner to withdraw the status of abandonment, revive this application, and issue a new Office Action to the correct address.

If additional information is needed or further clarification is desired, the undersigned respectfully invites the Examiner to place a call to the undersigned at (408) 749-6903.

Applicant believes that no fees are due in the filing of this Petition. However, the Commissioner is authorized to charge any fees which may be due to Deposit Account No. 50-0388, (Order No. SONYP006). A duplicate of this petition is attached.

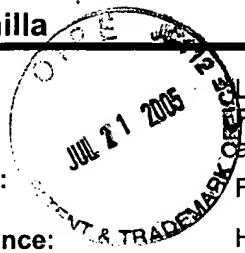
Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP


Albert S. Penilla, Esq.
Reg. No. 39,487

710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
Telephone: (408) 749-6900
Customer Number 25920

Al Penilla

From: Liz_Santiago@playstation.sony.com
Sent: Friday, October 15, 2004 11:34 AM
To: al@mpiplaw.com
Subject: Fw: !!URGENT!! Call from Patent Examiner
Importance: High



Hi Al,

Could you please provide me the status of SCEA00013US00 as soon as possible? It appears that this patent application is one of the applications that was transferred from the Dergosits firm.

Please refer to Yaeko's email below, she is concerned that there is a problem.

Thanks,

Liz Santiago
Patent Paralegal
Sony Computer Entertainment America Inc.
919 East Hillsdale Blvd., 2nd Floor
Foster City, CA 94404-2175
(Direct) (650) 655-5397
(Fax) (650) 655-5930
(e-mail) liz_santiago@playstation.sony.com

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----- Forwarded by Liz Santiago/Legal/SCEA on 10/15/2004 11:26 AM -----

Yaeko
Miura/SCEI@SCEI

10/14/2004 11:42
PM

To
[Liz Santiago/Legal/SCEA@Playstation](mailto:Liz_Santiago/Legal/SCEA@Playstation)
cc

Subject

Hello Liz,

I have received an email from Gregory of Dergosits and Noah. The U.S. patent application No. 09/771751 is SCEA00013US00, your case. Could you kindly confirm the status of this case. I hope nothing has happen.

Best regard

Yaeiko Miura

----- 転送者: Yaeiko Miura/SCEI 転送日: 2004/10/15 15:37

"Geoffrey Staniford" <gstaniford@dergnoah.com> 2004/10/15 07:04:45

宛先: Yaeiko Miura/SCEI@SCEI
cc:
件名: Call from Patent Examiner

CONFIDENTIAL - FOR
ADDRESSEE ONLY

Hello Ms. Miura,

We received a telephone call from Examiner Elhady today from the USPTO. He was informing us that today (14 Oct. 2004) is the 6 month deadline for response to an outstanding office action for Application No. 09/771,751 (our docket No. 375.16.01). We informed him that this file has been returned to our client and that we are no longer responsible for prosecuting the case, and did not know whether SCEI intends to abandon the application or not.

If you like, please call Examiner Elhady at 703-308-7990 to inform him of the status of the case, otherwise, the case will go abandoned due to failure to respond to an office action.

Thank you.

--Geoffrey Staniford



UNITED STATES PATENT AND TRADEMARK OFFICE

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 ALEXANDRIA, VA 22313-1450
www.uspto.gov

Fax Cover Sheet

Date: 18 Oct 2004

SONYPOOL

To: Albert Penilla	From: Nabil M El-Hady
Application/Control Number: 09/771,751	Art Unit: 2154
Fax No.: 408-749-6901	Phone No.: (703) 308-7990
Voice No.: 408-749-6903	Return Fax No.: (703) 872-9306
Res Att. Docket 375.16.01	CC:

Urgent For Review For Comment For Reply Per Your Request

Comments:

Enclosed in the front page of the a non-final office action mailed 4/14/2004 to the shown address.

This application is technically abandoned by Friday October 15, 2004.

Number of pages 2 including this page

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Attachment B
 Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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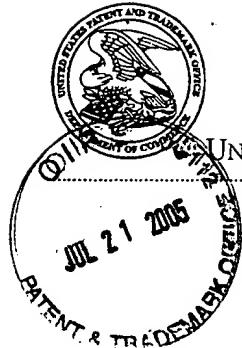
Sony Pool

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,751	01/29/2001	Masayuki Chatani	375.16.01	8559
21171	7590	04/14/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			MOSLEHI, FARHOOD	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 04/14/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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COPY MAIL

MARTINE & PENILLA, LLP
710 LAKEWAY DRIVE
SUITE 170
SUNNYVALE, CA 94085

JUN 24 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: CHATANI
Application No. 09/771,751 *50 My 006*
Filed: January 29, 2001
For: CONTENT DISPLAY METHOD DURING
DATA DOWNLOAD

DECISION ON PETITION
UNDER 37 CFR § 1.181 TO
WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the "PETITION FOR REVIVAL FROM ABANDONED STATUS UNDER 37 CFR 1.181" filed 22 October 2004, which has been properly treated as a petition under 37 CFR § 1.181 to withdraw the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely file a proper reply to the Office letter mailed 14 April 2004. A Notice of Abandonment was mailed on 18 April 2005.

A copy of the Office letter mailed 14 April 2004 was attached to the petition. Although the Office letter includes an incorrect mailing address, applicant must have obtained a copy in order to file the copy of it with the petition. It is unclear from the petition when and how applicant obtained this copy. Applicant nowhere maintains that the Office action was not received and therefore does not establish any grounds for relief.

Additionally, any petition filed under 37 CFR 1.181 must be filed timely. Since Applicant does not indicate when he came into possession of the action or first became aware of the mailing, it is not clear whether the instant petition was timely filed.

Accordingly, the petition is **DISMISSED**.

If the petitioner desires further review of this Decision, applicant should consider filing a Request for Reconsideration within 2 months of the mailing date of this Decision.

P. M. Laufer

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Masayuki Chatani

Application No: 09/771,751

Filed: January 29, 2001

For: CONTENT DISPLAY METHOD
DURING DATA DOWNLOAD



) Atty Docket No: SONYP006

) Group Art Unit: 2152

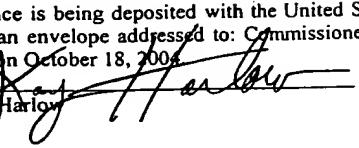
) Examiner: Unassigned

) Date: October 18, 2004

CERTIFICATE OF MAILING

COPY

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on October 18, 2004.

Signed: 

Kay Harlan

**PETITION FOR REVIVAL FROM
ABANDONED STATUS UNDER 37 CFR 1.181
-USPTO ERROR-**

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

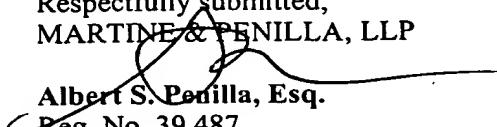
Applicant petitions for the revival of the above-identified application. On July 15, 2004, the PTO contacted the prior attorney of record, Mr. Geoffrey Staniford of Dergosits & Noah LLP, noting that no response was received to an Office Action dated April 14, 2004. This application was transferred to the undersigned in April of 2002, and the PTO recorded a new power of attorney and address change on May 1, 2002, confirming that the undersigned, of Martine & Penilla, LLP, was officially recognized as the new attorney of record. The PTO notice, confirming the same and dated May 1, 2002, was received at the undersigned's address of record (copy enclosed).

On April 14, 2004, the PTO mailed a first Office Action to the law firm of Staas & Halsey, LLP, in Washington, DC (copy enclosed). This mailing was an error on the part of the PTO, as the current attorney of record and address for this file is Albert S. Penilla of Martine & Penilla, LLP, in Sunnyvale, California.

Accordingly, the undersigned respectfully requests the PTO to withdraw the status of abandonment, revive this application, and issue a new Office Action to the correct address.

Applicant believes that no fees are due in the filing of this Petition. However, the Commissioner is authorized to charge any fees which may be due to Deposit Account No. 50-0388, (Order No. SONYP006). A duplicate of this petition is attached.

Respectfully submitted,
MARTINE & PENILLA, LLP


Albert S. Penilla, Esq.
Reg. No. 39,487

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